

Docket No.  
1442.033A

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**A HEAD REST ASSEMBLY HAVING AN ILLUMINATED INSERT FOR A SPA**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 10/10/2002 as United States Application No. or PCT International  
Application Number 10/268,371  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/834,260

April 12, 2001

U.S. No. 6,467,103

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

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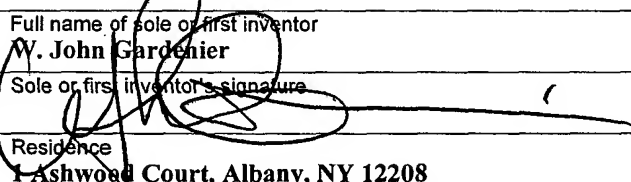
David A. Pascarella, Esq., Reg. No. 36,632

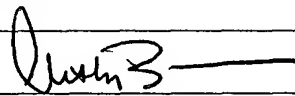
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**Heslin Rothenberg Farley & Mesiti P.C.**  
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**John Pietrangelo (518) 452-5600**

Full name of sole or first inventor	<b>W. John Gardenier</b>
Sole or first inventor's signature	
Date	<b>December 11, 2002</b>
Residence	<b>1 Ashwood Court, Albany, NY 12208</b>
Citizenship	<b>U.S.A.</b>
Post Office Address	<b>1 Ashwood Court, Albany, NY 12208</b>

Full name of second inventor, if any	<b>Anthony Brennan</b>
Second inventor's signature	
Date	<b>December 11, 2002</b>
Residence	<del>2184 Story Avenue, Niskayuna, NY 12309</del> <b>7 Mann Blv. Clifton Park N.Y. 12065 AB</b>
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Post Office Address	<del>2184 Story Avenue, Niskayuna, NY 12309</del> <b>7 Mann Blv. Clifton Park N.Y. 12065 AB</b>

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gardenier, et al.

Serial No.: Unassigned

Group Art Unit: Unassigned

Filed: Herewith

Examiner: Unassigned

Title: A SOUND SYSTEM, A SPEAKER ASSEMBLY, AND A METHOD FOR PROVIDING SOUND FOR A SPA

To: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. § 1.27(c)(2)**

Dear Sir:

The applicant in the above-identified application is entitled to small entity status.

Respectfully submitted,

  
John Pietrangelo  
Patent Agent  
Registration No. 39,331

Dated: September 5, 2003

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

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